

Robert Weigel (RW 0163)
Howard S. Hogan (HH 7995)
GIBSON, DUNN & CRUTCHER, LLP
200 Park Avenue
New York, New York 10166
(212) 351-4000

*Attorneys for Plaintiffs Gucci America, Inc.
and Chloé SAS*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
GUCCI AMERICA, INC. and CHLOÉ SAS,

Plaintiffs,

-against-

HGL ENTERPRISES;
EZDESIGNERREPLICAS.COM;
DESIGNERREPLICAS.HIGHPOWERSITES.
COM; HENRY LEIZGOLD a/k/a ENRIQUE
GOSMAN LEIZGOLD; HERLINDA LEIZGOLD
a/k/a LINDA LEIZGOLD a/k/a HERLINDA
PASAPERA; ABC COMPANIES; and JOHN
DOES,

Defendants.
----- X

07 Civ. 5569

**DECLARATION OF
SHEILA MARY
HENDERSON**

I, Sheila Mary Henderson, declare as follows:

1. I am Senior Intellectual Property Counsel for Richemont International Ltd. ("Richemont"). I am in charge of certain intellectual property protection for plaintiff Chloé SAS ("Chloé"). I have been employed by Richemont since February 2006. Part of my job responsibilities include supervising the management of the CHLOÉ® brand. I have personal knowledge of the facts set forth below.

2. I submit this declaration in support of the application of Chloé and Gucci America, Inc. (“Gucci”) (collectively, “Plaintiffs”) for a temporary restraining order and preliminary injunction.

CHLOÉ

3. Chloé is organized and exists under the laws of the Republic of France, with its principal place of business located at 5/7 Avenue Percier, 75008 Paris, France.

4. Chloé is a leader in the design, marketing, and distribution of premium, high-quality lifestyle products in apparel, handbags, fragrances, jewelry, and other accessories.

5. Consumers identify Chloé Products through the trademark CHLOÉ name, as well as through the product designs, logos and other source identifying indicia selected and promoted by Chloé (collectively, the “Chloé Marks”). Chloé owns the rights in the Chloé Marks identified in the complaint in this action and has marketed and sold, and markets and sells, CHLOÉ® branded products thereunder. Attached as Exhibit 1 are true and correct copies of United States Patent and Trademark Office (“PTO”) registration certificates for some of the Chloé Marks and printouts from the PTO’s website setting forth the status of some of the Chloé Marks.

6. Chloé is responsible for the production of all goods, including handbags and other leather goods, sold under the Chloé Marks worldwide (collectively, the “Chloé Products”). When such handbags or other goods are manufactured and pass our quality-control, they are then sold to affiliates of our company throughout the world, including Chloé, Inc. located in the United States, for resale to their respective markets.

7. For approximately fifty (50) years, Chloé’s reputation and distinctive image have been consistently developed across an expanding number of product lines, first in international markets and throughout the United States markets in recent decades. The Chloé Marks comprise

a famous and widely-recognized brand. Chloé has carefully built its reputation by, among other things, devoting considerable resources towards the design, development, promotion, and manufacture of all genuine Chloé Products, adhering to quality control standards and its commitment to customer service. As such, the Chloé Products are manufactured pursuant to specific guidelines.

8. Over the decades, literally hundreds of millions of consumers have been exposed to the Chloé Marks not only in advertisements, but in fashion magazines, television programs, motion pictures and virtually all instrumentalities of popular culture. For example, recent press reports alone describe the Chloé brand as having a “hipster image at the cutting edge of contemporary fashion.” See, e.g., Ex. 2 (press reports describing Chloé brands). Between 2005 and 2006 alone, Chloé and its affiliates spent over \$35 million world wide to advertise its brand.

9. As a result of Chloé’s extensive marketing and promotional efforts, as well as the high quality of the Chloé Products, the Chloé Products have achieved an outstanding reputation among consumers. The Chloé Marks have become well and favorably known in the industry and to the public as the exclusive source of the Chloé Products, and have come to symbolize the goodwill of Chloé Products. Chloé’s marketing efforts, combined with its attention to quality and construction, have resulted in millions of dollars in sales of the Chloé Products.

10. Chloé’s revenues based on sales of the Chloé Products doubled between 2005 and 2006 alone.

11. All authorized Chloé Products bear the Chloé marks, either on their labels, hang tags, or on the products themselves.

THE COUNTERFEIT PRODUCTS

12. Chloé learned in 2006 that Defendants, among others, were offering counterfeit versions of Chloé Products to the general public by making use of the trademark CHLOÉ name, throughout the New York metropolitan area and elsewhere in the United States (the “Counterfeit Products”). Chloé immediately undertook efforts to determine the scope of this problem, and has brought suit against several of the parties identified.

13. In particular, Chloé learned that the Defendants named in this action were marketing and selling unauthorized reproductions of official Chloé Products, including but not limited to handbags, wallets, and other items. For example, shown below is an image of an authentic Chloé Paddington Classic Satchel. The product displayed below bears Chloé’s federally registered CHLOÉ name trademark, see Ex. 1 (U.S. Reg. Nos. 1,491,810; 1,513,535; 1,925,176; 2,745,487; 3,198,388), and trademark PADDINGTON name, see id. (U.S. Serial No. 78,863,562).



14. Set forth below is an image of a Counterfeit Product offered by Defendants for sale to the public through the EZDesignerReplicas.com and DesignerReplicas.HighPowerSites.com